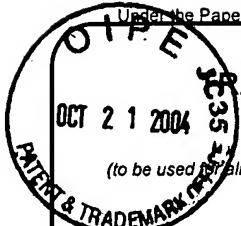


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*10/18/04*  
*Han*  
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(to be used for all correspondence after initial filing)

OCT 21 2004

Total Number of Pages in This Submission

Application Number	10/051,653
Filing Date	January 17, 2002
First Named Inventor	David H. Small
Art Unit	1642
Examiner Name	Sharon L. Turner
Total Number of Pages in This Submission	11
Attorney Docket Number	104664-50027

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance communication to Technology Center (TC)
<input type="checkbox"/> <input type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment/Reply	<input type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> <input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Change of Correspondence Address	<input checked="" type="checkbox"/> Other Enclosure(s) (please Identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Terminal Disclaimer	1) Power of Attorney and Correspondence Address Indication Form
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Request for Refund	2) Statement Under 37 (SB/96)
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> CD, Number of CD(s) _____	3) Copy of Assignments
<input type="checkbox"/> Response to Missing Parts/ Incomplete Application	<input type="checkbox"/> Remarks	
<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	4) Return Receipt Postcard	

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

Firm or Individual name	R. Hain Swope, Esq.; Registration No.: 24,864 Gibbons, Del Deo, Dolan, Griffinger & Vecchione
Signature	<i>R. Hain Swope</i>
Date	10/18/04

**CERTIFICATE OF TRANSMISSION/MAILING**

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.

Typed or printed name	Bosaura Serrano		
Signature	<i>Bosaura Serrano</i>	Date	10/18/2004

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Aug-20-04 12:37pm From-Gibbons Deldeco Dolan



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PTO/SB/81 (08-03)

Approved for use through 11/30/2005. OMB 0651-0035  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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<b>POWER OF ATTORNEY and CORRESPONDENCE ADDRESS INDICATION FORM</b>	
Application Number	10/051,653
Filing Date	January 17, 2002
First Named Inventor	David Henry Small
Title	Method for the Diagnosis of Alzheimer's Disease and other ...
Art Unit	1842
Examiner Name	Unassigned
Attorney Docket Number	104864-50027

I hereby appoint:

Practitioners associated with the Customer Number:

26345

OR

Practitioner(s) named below:

Name	Registration Number

as my/our attorney(s) or agent(s) to prosecute the application identified above, and to transact all business in the United States Patent and Trademark Office connected therewith.

Please recognize or change the correspondence address for the above-identified application to:

The address associated with the above-mentioned Customer Number:

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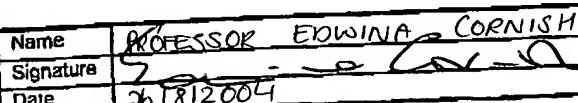
Firm or Individual Name			
Address			
Address	State	Zip	
City			
Country			
Telephone	Fax		

I am the:

Applicant/Inventor.

Assignee of record of the entire interest. See 37 CFR 3.71.  
Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)

SIGNATURE of Applicant or Assignee of Record

Name: PROFESSOR EDWINA CORNISH  
Signature:   
Telephone: 99059301  
Date: 26/8/2004

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.

\*Total of \_\_\_\_\_ forms are submitted.

This collection of information is required by 37 CFR 1.31 and 1.33. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 3 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



009621-39189

**ASSIGNMENT AND AGREEMENT**

For value received, we, David Henry Small, of the Ashburton, in State of Victoria, Australia and Lisa Fodero, of Reservoir, in the State of Victoria, Australia, hereby sell, assign and transfer to Axonyx, Inc. a corporation of the State of New York, having an office at 825 Third Avenue, 40<sup>th</sup> Floor, New York, NY 10022 U.S.A., and its successors, assigns and legal representatives, the entire right, title and interest, for the United States of America, in and to certain inventions related to **METHOD FOR THE DIAGNOSIS OF ALZHEIMER'S DISEASE AND OTHER PRION RELATED DISORDERS** described in an application for Letters Patent of the United States, filed January 17, 2002, claiming priority from U.S. Provisional application Serial No. 60/263,841, filed January 23, 2001, executed by us, and all of the rights and privileges in said application and under any and all Letters Patent that may be granted in the United States for said inventions; and we also concurrently hereby sell, assign and transfer to Axonyx, Inc. the entire right, title and interest in and to said inventions for all countries foreign to the United States, including all rights of priority arising from the application aforesaid, and all the rights and privileges under any and all forms of protection, including Letters Patent, that may be granted in said countries foreign to the United States for said inventions.

We authorize Axonyx, Inc. to make application for such protection in its own name and maintain such protection in any and all countries foreign to the United States, and to invoke and claim for any application for patent or other form of protection for said inventions, without further authorization from us, any and all benefits, including the right of priority provided by any and all treaties, conventions, or agreements.

We hereby consent that a copy of this assignment shall be deemed a full legal and formal equivalent of any document which may be required in any country in proof of the right of Axonyx, Inc. to apply for patent or other form of protection for said inventions and to claim the aforesaid benefit of the right of priority.

We request that any and all patents for said inventions be issued to Axonyx, Inc. in the United States and to Axonyx, Inc. in all countries foreign to the United States, or to such nominees as they may designate.

We agree that, when requested, we shall, without charge to Axonyx, Inc. but at its expense, sign all papers, take all rightful oaths, and do all acts which may be necessary, desirable or convenient in connection with said applications, patents or other forms of protection.



David Henry Small

Date: 23/1/2002

Lisa Fodero

Date: 23/1/2002

**Acknowledgment of Acceptance of Assignment of U.S. Provisional Application  
60/263,841 from David Henry Small and Lisa Fedoro**

The Assignee, Axonyx, Inc., hereby acknowledges that it had accepted the assignment of the entire right, title and interest in U.S. Provisional Application No. 60/263,841, and any rights devolving therefrom from David Henry Small and Lisa Fedoro pursuant to an Assignment Document dated 23 January 2002, and signed by David Henry Small and Lisa Fedoro.

Signed at New York, New York

Date: Sept. 20, 2004

For and on behalf of  
Axonyx, Inc.

By: Gosse B. Bruinsma MSc  
Name: President & COO  
Title: Axonyx Inc.  
Axonyx Europe  
Middelstegracht 87H  
2312 TT LEIDEN  
The Netherlands

United States of America )  
State of New York ) ss.:  
County of New York )

On this \_\_\_\_\_ day of \_\_\_\_\_, 2004, before me, a notary public, personally appeared \_\_\_\_\_, who, being by me duly sworn under oath did say that he is empowered and authorized to sign the foregoing instrument on behalf of Axonyx, Inc. and acknowledged execution of the same.

\_\_\_\_\_  
Notary Public

Seen for legalisation of the signature of mr. Gosse  
Bote Bruinsma, residing at (2311 XD) Leiden  
(The Netherlands), Bilderdijkstraat 9, date of birth the  
twenty-ninth day of October nineteen hundred and  
fifty-four at Thessalon (Canada), by me mr. Rob  
Willem Boudewijn Timmers, civil-law notary  
according to Dutch law, practising at Lisse  
(The Netherlands) on the twentieth day of September  
two thousand and four.

#780427 v1  
104664-50027

009621-39189

## ASSIGNMENT

This Assignment is made effective on 1 October 2002 between **Axonyx, Inc.**, a corporation incorporated in the State of New York, having an office at 825 Third Avenue, New York, New York 10022 (hereinafter referred to as the "Assignor") and the **University of Melbourne**, having an address of Victoria 3010 Australia and having a place of business at Grattan Street, Parkville, Victoria 3052, Australia (hereinafter referred to as the "Assignee").

WHEREAS, **David Henry Small**, of Ashburton, Victoria, Australia and **Lisa Fodero**, of Reservoir, Victoria, Australia, have assigned on January 23, 2002 all of their right, title and interest to **Axonyx, Inc.**, a corporation incorporated in the State of New York, having an address at 825 Third Avenue, New York, New York 10022 in any inventions described and/or claimed Provisional Patent Application Serial No. ~~60/263,801~~ filed January 23, 2001, and U.S. Serial No. **10/053,653** ("Subject Applications"), entitled **METHOD FOR THE DIAGNOSIS OF ALZHEIMER'S DISEASE AND OTHER PRION RELATED DISORDERS** as well as any application filed throughout the world claiming the priority of one or more of said Subject Applications.

WHEREAS, Assignor is willing to have all of their right, title and interest assigned to it in the Assignment dated January 23, 2002 assigned to the University of Melbourne, having an address of Victoria 3010 Australia and having a place of business at Grattan Street, Parkville, Victoria 3052, Australia.

NOW, THEREFORE, for and in consideration of valuable consideration, the receipt and sufficiency whereof are hereby acknowledged, Assignee, Axonyx, Inc., by these presents do hereby sell, assign and set over unto the said the UNIVERSITY OF MELBOURNE (Assignee), and said Assignee's legal representatives, successors, the entire right, title and interest, for the whole world, in and to said invention disclosed and claimed in said Subject Applications, as well as any subsequent application which claims priority based upon the filing date of one or more of said Subject Applications and the patents, both domestic and foreign, that may or shall result therefrom including the right to claim any subsequent United States and foreign patent applications and patents, the priority date of said Subject Applications under any United States statute and international convention or treaty; and Assignor does hereby authorize and request the issuance of said patents, domestic and foreign, conformably to the terms of this Agreement.

Assignor hereby covenants and agrees with said Assignee that it will not execute any writing or do any act whatsoever conflicting with these presents, and that will at any time upon request, without further or additional consideration, but at the expense of the said Assignee, execute such additional assignments and other writings and so such additional acts as said Assignee may deem necessary or desirable to perfect the Assignee's enjoyment of this grant, and render all necessary assistance in making

07/11 '02 THU 09:40 FAX 61 3 9349 4695  
5V 06 02 02:46P Michael R. Espy.

SOLICITORS OFFICE

206 340 0229

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application for and obtaining provisional, original, continuation, continuation-in-part, divisional, reissued, re-examined or extended patent of the United States or of any and all foreign countries on said invention, and in enforcing any rights or chooses in action accruing as a result of such applications or patents.

IN WITNESS WHEREOF these presents are executed with effect from 1 October 2002 for and on behalf of the Axonyx, Inc. in the presence of a notary.

Signed at Seattle, Washington  
Date: November 6, 2002

For and on behalf of  
Axonyx, Inc.

By:

Name: Michael Espy

Title: Vice President & General  
Counsel

United States of America )

State of Washington ) ss.:

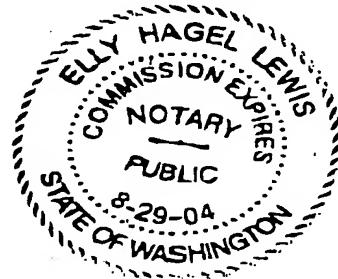
County of King )

On this 6<sup>th</sup> day of November , 2002 before me personally came Michael Espy, to me known to be the individual described in and who executed the foregoing instrument, and acknowledged execution of the same.

*Ely Hagel Lewis*

Notary Public

Exp: 01/04



#640188 v1  
009621-39189

Acceptance and Acknowledgment:

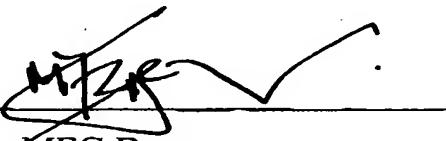
The Assignee, the University of Melbourne, hereby accepts the assignment of fifty percent of all right, title and interest in the above-named patent application, and in and to any and all patents that may be granted thereon and any and all reissues and extensions of such patents.

Signed at Carlton Date: August 7th 2003

By: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

  
MFG Dean

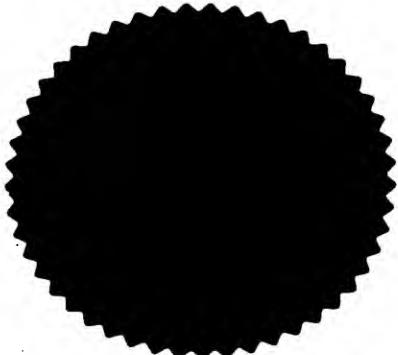
Intellectual Property Officer  
The University of Melbourne

ATTEST:

Name: VINCENT FRANCANO 18.21 ARGYLE PLACE SOUTH, CARLTON  
AUG 7 2003

On this 7th day of August, 2003, before me, a notary public,  
personally appeared M.F.G. DEAN, who, being by me duly sworn under  
oath did say that he is empowered and authorized to sign on behalf of the University of  
Melbourne.

  
Notary Public



## **DEED OF ASSIGNMENT**

### **PATENTS AND PATENT APPLICATIONS**

This Deed of Assignment is made the 1st day of JUNE 2004.

#### **BETWEEN**

**THE UNIVERSITY OF MELBOURNE**, Grattan Street, Parkville 3052, Victoria, Australia (the "Assignor")

and

**MONASH UNIVERSITY**, Wellington Road, Clayton 3800, Victoria, Australia (the "Assignee")

#### **BACKGROUND**

- A. The Assignor is the proprietor of the patents and patent applications set out in the Schedule (the "Patent Property"), and the inventions the subject of these.
- B. The Assignor and the Assignee have entered into an agreement whereby the Assignee has agreed to make certain payments to the Assignor's creditors.
- C. In consideration of the Assignee's payment of certain amounts to creditors of the Assignor, and for other good and valuable consideration, the Assignor has agreed to assign the Patent Property to the Assignee on the terms of this Deed.

#### **IT IS NOW AGREED AS FOLLOWS:**

1. In consideration of the sum of the payment made by the Assignee in accordance with clause 4.1 of the said Agreement and of the contingent payment referred to in section 4.2 of the said Agreement, the Assignor HEREBY ASSIGNS to the Assignee:
  - 1.1 all right, title and interest in and to the Patent Property and to the inventions the subject of the Patent Property;
  - 1.2 all equivalent, divisional and continuation applications relating to or arising out of the Patent Property (including any national phase entries arising from the European and Patent Co-operation Treaty patent applications within the Patent Property); and the right to file equivalent, divisional or continuation applications on it.
2. The rights assigned in Clause 1 above include the right to take action in respect of any infringement of any patents within the Patent Property, or of any patents that may be granted on the applications within the Patent Property, which may have occurred prior to the date of this Deed.
3. Each party agrees (at its own cost unless otherwise agreed) to execute all documents and do all further acts as reasonably required from time to time by the other party to give full effect to the provisions of this Deed.
4. This Deed shall be governed by and construed in accordance with the laws of the State of Victoria in the Commonwealth of Australia.
5. Several copies of this Assignment may be executed by the parties, each of which shall be deemed to be an original which may be relied upon by either of the parties for any purpose.

The parties have shown their acceptance of the terms of this Deed by executing it below.

*Schedule*

**The Patent Property**

**Patent Applications**

Country	Number	Title
Patent Co-operation Treaty	PCT/US01/01874	Method for the Diagnosis of Alzheimer's Disease and other Prion Related Disorders
Europe	020705902.1	Method for the Diagnosis of Alzheimer's Disease and other Prion Related Disorders
Australia	2002240020	Method for the Diagnosis of Alzheimer's Disease and other Prion Related Disorders
United States of America	10,051,653	Method for the Diagnosis of Alzheimer's Disease and other Prion Related Disorders
United States of America	60/263,841	Method for the Diagnosis of Alzheimer's Disease and other Prion Related Disorders
Canada	2,442,708	Method for the Diagnosis of Alzheimer's Disease and other Prion Related Disorders
Hong Kong	04102890.3	Method for the Diagnosis of Alzheimer's Disease and other Prion Related Disorders

**SIGNED, SEALED and DELIVERED as a Deed:**

**EXECUTED on behalf of THE UNIVERSITY OF MELBOURNE by the person whose name and signature appears and who warrants he has authority to bind THE UNIVERSITY OF MELBOURNE and in the presence of:**

*Neil Ireland*  
Witness Signature

NEIL IRELAND  
Print Witness Name

367 COLLINS STREET, MELBOURNE, VICTORIA, AUSTRALIA  
Print Witness Address

**EXECUTED by MONASH UNIVERSITY by the person whose name and signature appears and who warrants he has authority to bind MONASH UNIVERSITY and in the presence of:**

*Tracy Taylor*  
Witness Signature

Tracy Taylor  
Print Witness Name

Cl- Monash University, Clayton, VIC, 3800  
Print Witness Address

*MFG Dean*  
Signature

MFG Dean  
Print name & position

MELBOURNE, VICTORIA.  
Signed at

1 JUNE 2004  
Date

*Edwina Cornish*  
Signature

PROFESSOR EDWINA CORNISH  
Print name & position  
DEPUTY VICE-CHANCELLOR (RESEARCH)  
MELBOURNE, VICTORIA...  
Signed at

16 JUNE 2004  
Date